

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

GLENN A. HESS,

Plaintiff,

:

Case No. 3:08-cv-031

-vs-

District Judge Walter Herbert Rice  
Chief Magistrate Judge Michael R. Merz

:

CITY OF HUBER HEIGHTS, et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS ON MOTION TO  
DISMISS OF DEFENDANTS HUNTINGTON BANK AND DAVE EVANS**

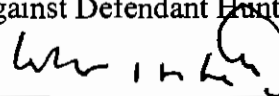
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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 41), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on June 23, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that all claims herein against Defendant Dave Evans are dismissed without prejudice for failure to state a claim upon which relief can be granted. All federal claims against Defendant Huntington Bank are dismissed without prejudice for failure to state a claim upon which relief can be granted. The Court declines to exercise supplemental jurisdiction over any state law claims which may be made against Defendant Huntington Bank.

June 25, 2008.



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Walter Herbert Rice  
United States District Judge